

EXHIBIT 33

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

**TQ DELTA, LLC,
Plaintiff,**

V.

COMMScope Holding Company, Inc., Commscope Inc., Arris International Limited, Arris Global Ltd., Arris US Holdings, Inc., Arris Solutions, Inc., Arris Technology, Inc., and Arris Enterprises, LLC,

**NOKIA CORP., NOKIA SOLUTIONS
AND NETWORKS OY, and NOKIA OF
AMERICA CORP.**

Defendants.

JURY TRIAL DEMANDED

Civil Action 2:21-cv-310-JRG
(Lead Case)

Civil Action No. 2:21-cv-309-JRG
(Member Case)

**DECLARATION OF DR. TODOR COOKLEV IN SUPPORT OF PLAINTIFF'S
OPENING CLAIM CONSTRUCTION BRIEF**

k. If a claim term is ambiguous or unclear, the term must be construed to determine how a person of ordinary skill in the art would have resolved in light of the rest of the patent specification, patent claims, and the application's prosecution history.

l. A claim is not indefinite, as long as it, having been read in light of the intrinsic evidence, informs one of skill in the art at the time of the invention about the scope of the invention with reasonable certainty.

m. It is improper to import limitations from embodiments in the specification.

n. It is also improper to import limitations from other parts of the claims thus rendering a claim term duplicative.

22. It is also improper to import additional or different language from other independent claims that would render such claims superfluous.

V. BACKGROUND OF THE TECHNOLOGY

23. This section describes the background technology for the Patents-in-Suit that are referred to as the "Family 2,"² "Family 3,"³ "Family 9,"⁴ and "Family 10"⁵ Patents.

24. The following sections provide an overview of the field of the inventions and the subject matter of the Family 2, 3, 9, and 10 Patents. To facilitate an understanding of the inventions, I describe the state of the art and concepts important to understand the inventions.

A. Overview of Communications Systems

² I understand that the Family 2 Patents include the '881, '193, '601, and '014 Patents.

³ I understand that the Family 3 Patents include the '882, '048, '5743, '608, and '510 Patents.

⁴ I understand that the Family 9 Patents include the '411, '577, '348, '055, '4473, and '809 Patents.

⁵ I understand that the Family 10 Patents include the '354 and '988 Patents.

25. In the process of data communication between two communication endpoints, a first (near end) and second (far end) transceiver for example, communicate one or more bits of data (data bits) are communicated serially. The two communication endpoints are commonly known as a customer premise equipment (CPE) transceiver and a central office (CO) transceiver.

26. The term “transceiver” is a combination (called a portmanteau in English grammar) of two words: transmitter and receiver. A transceiver can perform both the transmitting and receiving operations.


27. Typically, the transmitter portion of the transceiver and the receiver portion of the transceiver share at least some common circuitry (*e.g.*, memory or processor). For example, the Family 3 Patents illustrate that “transceiver 100 includes a transmitter portion 200 and a receiver portion 300,” along with a shared processing module (110) and shared memory (120). *See* ‘890 Patent at 4:41-43.

E. “Wherein the First SNR Margin Provides More Robust Reception than the Second SNR Margin” (Family 10)

152. One of ordinary skill in the art would have understood what this term means.¹⁵

One of ordinary skill would have understood that the first signal-to-noise (“SNR”) margin provides more robust reception than the second SNR margin by, for example, reducing the bit error rate (*e.g.*, making it less likely that a transmission would be subject to significant errors, which makes the reception more “robust,” *e.g.*, less likely to require error correction or retransmission).

I declare under penalty of perjury that the above is true and correct, to the best of my knowledge. Executed on this 15th day of March 2022, in Fort Wayne, Ind.

A handwritten signature in black ink, appearing to read 'T Cooklev', is written over a horizontal line.

Todor Cooklev, Ph.D.

¹⁵ This term is found in '354 Patent, Claim 10.